

Application No. 10/573,960  
Amtd. Dated: November 30, 2007  
Reply to Office Action Dated: August 31, 2007

**Remarks/Arguments**

Applicant thanks the Examiner for the Office Action mailed August 31, 2007.

The status of the application is as follows:

- Claims 1-16 are pending. Claims 1 and 7 have been amended. Claim 17-20 have been added.
- Claims 1 and 7 are objected to for minor informalities.
- Claims 1-6, 8-10 and 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. (US 2,259,416) in view of Papke (US 1,524,205).
- Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke and further in view of Takahashi et al. (US 5,305,033).
- Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke and further in view of Reiff et al. (US Pub. 2002/0191396).
- Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke.

The objection and rejections are discussed below.

**Allowable Subject Matter**

The Examiner is thanked for indicating that claims 7 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed below, claim 1 has been amended to include aspects of allowed claim 7, claim 7 has been rewritten as new claim 20 (including the limitations of base claim 1), and claim 11 has been rewritten as new claim 17 (including the limitations of base claim 1).

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### **The Objection to Claims 1 and 7**

Claims 1 and 7 are objected to for minor informalities.

With respect to **claim 1**, the Office objects to the use of the term “can.” This term has been cancelled from amended claim 1, rendering this objection moot. As such, this objection should be withdrawn.

With respect to **claim 7**, the Office asserts that it is not clear whether the shutter will open and expand, or the shutter will expand by means of the light source pushing through the shutter aperture. It is believed that the amendment herein to claim 7 cures the informality.

### **The Rejection of Claims 1-6, 8-10 and 12-13 under 35 U.S.C. §103(a)**

Claims 1-6, 8-10 and 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke. As noted above, independent **claim 1** has been amended to include aspects of claim 7, which the Office has deemed allowable. As such, claim 1 is believed to be allowable, and the rejection of claim 1 should be withdrawn. **Claims 2-6, 8-10 and 12-13** depend from claim 1 and are allowable at least by virtue of their dependencies.

It is noted that applicants are not conceding that claim 1 is not patentable over the art of record; applicants are incorporating aspects of claims 7 into claim 1 only for facilitating expeditious prosecution of the allowable subject matter indicated by the examiner. Applicants respectfully reserve the right to pursue the original claim 1 and/or other claims in one or more continuations and/or divisional patent applications.

### **The Rejection of Claim 14 under 35 U.S.C. §103(a)**

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke and further in view of Takahashi et al. **Claim 14** depends from claim 1 and is allowable at least by virtue of this dependency.

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**The Rejection of Claim 15 under 35 U.S.C. §103(a)**

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke and further in view of Reiff et al. **Claim 15** depends from claim 1 and is allowable at least by virtue of this dependency.

**The Rejection of Claim 16 under 35 U.S.C. §103(a)**

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner et al. in view of Papke. **Claim 16** depends from claim 1 and is allowable at least by virtue of this dependency.

**Newly Added Claims 17-20**

As noted above, the Office has indicated that claims 7 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, new **claim 17** includes the limitations of claims 1 and 11 (which depends from claim 1), and new **claim 20** includes the limitations of claims 1 and 7 (which depends from claim 1). Therefore, entry and allowance of claims 17 and 20 is respectfully requested. New **claims 18-19** depend from claim 17 and thus are also allowable.

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**Conclusion**

In view of the foregoing, it is submitted that the pending claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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